

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DAVID PROFFITT and wife,)	
TAMMY PROFFITT,)	
)	
Plaintiffs,)	
)	
v.)	No.: 3:07-CV-183
)	(VARLAN/SHIRLEY)
STATE FARM FIRE AND)	
CASUALTY COMPANY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This civil action is before the Court on Defendant's Motion for Leave to Take Deposition [Doc. 32], in which defendant requests and order allowing defendant to take the deposition "for evidence" of Dennis C. Akin, Forensic Scientist. In support of the motion, defendant states that Mr. Akin's testimony is needed to place in evidence the laboratory report on the debris and milk jug-type containers containing gasoline that were found in plaintiffs' home. Plaintiffs have responded stating that they agree to stipulate to the expert report and, if defendant still wishes to take the deposition, plaintiffs request that plaintiffs' counsel be permitted to participate by telephone.

For good cause shown, Defendant's Motion for Leave to Take Deposition [Doc. 32] is hereby **GRANTED**. To the extent that defendant still wishes to take Mr. Akin's

deposition, the parties are **DIRECTED** to attempt to work out an arrangement in which plaintiffs' counsel may participate in the deposition by telephone.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE